

## COUNCIL POLICY

<b>TITLE:</b>	<b>Dog Control Policy (2019)</b>
<b>MEETING:</b>	Council
<b>EFFECTIVE DATE:</b>	1 March 2019
<b>REVIEW:</b>	2029
<b>FILE REFERENCE:</b>	307000

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### **1. POLICY OBJECTIVES**

The objectives of this policy are to:

- . Encourage dog owners to care responsibly for their dogs and keep them under control
- . Provide adequate public places to meet the exercise and recreational needs of dogs and their owners
- . Avoid danger, distress and nuisance from uncontrolled dogs having access to public places used by children
- . Enable the community to use public places without fear of intimidation or attack by dogs, and
- . Minimise the danger, distress and nuisance that dogs can cause to the community generally.

### **2. PRINCIPLES**

- . Kawerau residents are entitled to own and enjoy dogs
- . Responsible dog ownership should be encouraged and rewarded
- . Dogs need the ability to exercise unrestrained and within a social setting
- . Council has a responsibility to minimise the potential for danger, distress and nuisance that dogs can cause
- . Council should operate an effective dog control service.

### **3. DEFINITIONS**

**Dog Control Act/Act** means the Dog Control Act 1996 and its amendments.

**Areas of ecological sensitivity** are any areas determined on a case by case basis or through Council's Reserves Management Plan. They are generally sensitive because of the vegetation, birdlife or wildlife in the area.

**Areas of intensive public use** include organised public gatherings and events in public places, the Town Centre and other areas as determined by Council from time to time.

**Control/under control** means that the owner has the dog on a leash or confined within a vehicle or other container while in a public place. The owner must also be capable of controlling the dog while it is on the leash, and have the power of directing or commanding the dog while it is off the leash in private and dog exercise areas. Without limiting the generality of the foregoing, a dog shall be deemed to be not under control if:

- (a) its actions cause annoyance or distress to any person or animal or damage to property;
- (b) it is found at large in any public place other than a designated dog exercise area;
- (c) it becomes a nuisance or injurious to health;
- (d) it becomes a nuisance to residents in the neighbourhood by barking or howling or by obstructing the lawful passage of persons in public places, or by rushing at or frightening such persons.

**Leash** means a flexible restraint not exceeding 1.5 metres in length.

**Owner** has the meaning as defined by the Dog Control Act 1996.

#### 4. BACKGROUND

The Dog Control Act requires Council to adopt a dog control policy for the Kawerau District.

The Dog Control Bylaw is used to give legal powers to implement the Dog Control Policy and determine what is considered to be an offence.

The Dog Control Act, the Dog Control Policy and the Dog Control Bylaw cover separate requirements as identified in the table below:

<b>Dog Control Act</b>	<b>Dog Control Policy</b>	<b>Dog Control Bylaw</b>
Probationary dog owners	Criteria for prohibited areas	Specific dog prohibited areas including any time periods
Disqualification of dog owners	Leash requirements	Specified on leash areas
Prohibiting importing certain dogs	Dog exercise areas	Specified dog exercise areas
Dangerous dogs	Dog education programmes	Number of dogs that may be kept
Menacing dogs	Fees	Dog fouling
Micro-chipping		Impounding of dogs

<p>Obligations of owners including:</p> <ul style="list-style-type: none"> <li>• Control of dogs on owner's property</li> <li>• Barking dogs</li> <li>• Dogs causing serious injury</li> <li>• Seizure or destruction of dogs</li> <li>• Infringement offences</li> <li>• Custody of dogs</li> </ul>		<p>Neutering of dogs</p> <p>Dogs in season</p>
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## 5. POLICY STATEMENT

This policy is to be implemented by Council's Dog Control Bylaw 2019 or its replacements.

### 5.1 Exercise and Recreational Needs of Dogs and their Owners

Council may designate all or part of any reserve or other public place as a dog exercise area (long leash or off leash). Kawerau's designated dog exercise areas are specified in Council's dog control bylaw.

Dogs under leash control are allowed on any footpath, reserve or other public place which is not a prohibited area.

### 5.2 Prohibited Areas

Council may prohibit dogs from:

- Areas of intensive public use
- Children's playgrounds
- Areas of ecological sensitivity
- Any other area as resolved by Council from time to time.

Prohibited areas are specified in the dog control bylaw.

### 5.3 Owner Education

Council encourages dog owners to attend dog obedience programmes and promotes responsible care and control of dogs to encourage responsible dog ownership.

## **5.4 Owner Obligations**

Council requires every dog owner to provide clean conditions and adequate food, water and shelter to their dog(s). Owner obligations and minimum standards for keeping dogs are prescribed in the dog control bylaw.

## **5.5 Number of Dogs**

Council's dog control bylaw prescribes the maximum number of dogs allowed to be kept on different types of property in the District.

## **5.6 Micro-chipping**

In accordance with the Dog Control Act, all dogs registered for the first time on or after 1 July 2006 must be micro-chipped.

## **5.7 Approved Owners**

Council operates an approved owner scheme which recognises and provides benefits to every owner who meets Council standards for responsible dog ownership.

## **5.8 Probationary and Disqualified Owners**

Council may classify any owner as a probationary owner in accordance with the Dog Control Act. The classification will continue for up to 24 months.

Council may disqualify any person from dog ownership in accordance with the Dog Control Act. Disqualification will continue for up to 5 years.

## **5.9 Uncontrolled Dogs**

Council may seize and impound any uncontrolled dog in the Kawerau district.

## **5.10 Dangerous and Menacing Dogs**

Council may classify any dog as menacing or dangerous in accordance with the Dog Control Act. These classifications place additional responsibilities on the owner, including having the dog de-sexed.

## **5.11 Complaints**

Council's procedure enables the public to easily and readily make dog control complaints. It includes effective methods to:

- . Record complaints
- . Investigate every complaint promptly and within agreed levels of service
- . Complete a report on each complaint, and
- . Enable owners to appeal Council decisions.

## **5.12 Infringements**

In the case of a first minor offence under the Act or the dog control bylaw, Council may issue the owner with a written warning.

A second or more serious offence will result in Council requiring the dog to be de-sexed and issuing an infringement notice or initiating a prosecution against the owner, except where the owner surrenders the dog to be euthanised, in which case Council may determine to take no further action.

## **5.13 Impounding of Dogs**

Council will release an impounded dog on payment of all required fees, including micro-chipping in accordance with the Act.

If after seven days of impounding the owner has not claimed the dog and paid the fees, Council may re-home, sell or otherwise dispose of the dog.

Under no circumstances will Council release from the pound or sell any dog for research purposes.

## **5.14 Relinquishing Dogs**

Council will accept any dog into the pound for disposal by re-homing, sale or euthanasia upon receipt of a declaration of release from its owner.

## **5.15 Sale or Disposal of Dogs in the District**

Council requires welfare organisations and registered dog breeders in the District to provide regular information to Council about the sale and disposal of dogs.

## **5.16 Fees**

Council shall set fees for dog registration, impounding and other dog control services each year.

## **5.17 Annual Report on Policy and Practices**

Council reports annually on the administration of its dog control policies in accordance with the Dog Control Act.

## **6. RELEVANT DELEGATIONS**

The Chief Executive Officer or his/her nominee has delegated authority for the implementation of this policy.

## **7. REFERENCES AND RELEVANT LEGISLATION**

Animal Welfare Act 1999

Conservation Act 1987

Dog Control Act 1996

Dog Control Amendment Act 2003

Dog Control Bylaw 2018

Dog Control (Prescribed Forms) Regulations 1996

Local Government Act 2002

National Parks Act 1980